

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Johnny Lee Morgan, Jr.,	)	C/A No.: 3:08-0068-JFA-BM
	)	
Plaintiff,	)	
vs.	)	<b>ORDER</b>
	)	
Eddie Moore; and SCE&G, South Carolina	)	
Electric and Gas,	)	
	)	
Defendants.	)	
_____	)	

The *pro se* plaintiff, Johnny Lee Morgan, Jr., brings this action for breach of contract arising out of a landlord-tenant dispute. The plaintiff contends that defendant Moore intentionally had his electric service terminated. Plaintiff seeks damages in the amount of \$63,200.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein he suggests that this action is subject to summary dismissal. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

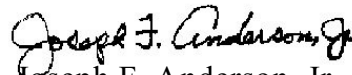
The plaintiff was advised of his right to file objections to the Report and Recommendation. He has not filed any objections to the Report.

As the Magistrate Judge correctly opines, this court does not have jurisdiction over the plaintiff's claims pursuant to 28 U.S.C. § 1332(a). That statute requires complete diversity of the parties and an amount in controversy over \$75,000. Since both parties are citizens of South Carolina, and the damages sought are less than the threshold amount of \$75,000, this action must be dismissed.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is dismissed *without prejudice* and *without issuance and service of process*.

IT IS SO ORDERED.

March 3, 2008  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge